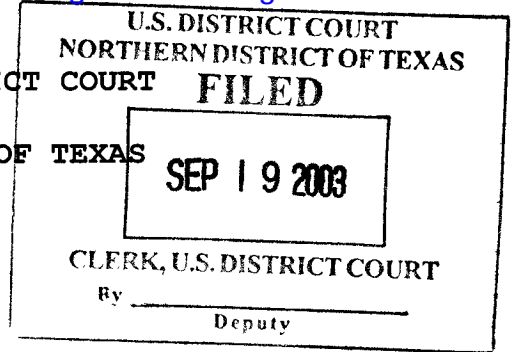


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JAMES AVERY RUSH, IV

PLAINTIFF,

v.

NATIONAL BOARD OF MEDICAL
EXAMINERS,

DEFENDANT.

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CIVIL ACTION CAUSE NUMBER
2:03-CV-140-J

AMENDED RULE 16 SCHEDULING ORDER

The parties have requested an amended Rule 16 scheduling order setting an expedited January 9, 2004, ready-for-trial date. Their request is granted as follows.

1. The parties shall be ready for trial by January 9, 2004. This is not a trial setting. The case will be set on an actual trial docket by later order of the Court.

2. Unless they have already done so, counsel will conduct a Rule 26(f) conference within 21 days from the date of this Order. Rule 26(a)(1) disclosures are required not later than 14 days after the Rule 26(f) conference.

Counsel are reminded that the disclosures required by Rule 26(a)(1) are not to be filed with the Clerk.

3. The parties shall confer to develop a discovery plan and immediately begin discovery necessary for meaningful settlement negotiations and for mediation. Counsel shall file a joint report setting forth the status of settlement negotiations by October 24.

2003. If the case has not settled, it will be subject to mandatory mediation.

4. All written discovery procedures shall be initiated in time to complete discovery by December 12, 2003. All other discovery should be completed by December 19, 2003. This deadline does not extend time for motions for summary judgment or other motions.

Counsel may extend the discovery deadline for a specific deposition or other specific discovery procedure by written agreement. However, no such extension will be considered good cause for an extension of any other deadlines or the time for mediation.

5. Parties seeking affirmative relief must file a written designation of expert witnesses by September 22, 2003, and must provide Rule 26(a)(2) disclosures to all other parties by October 20, 2003.

Parties opposing affirmative relief must file a written designation of expert witnesses by October 10, 2003, and must provide Rule 26(a)(2) disclosures to all other parties by November 7, 2003.

The expert designations are to be filed. Parties are to exchange Rule 26(a)(2) expert reports, but are not to file them.

6. Motions deadlines are as follows:

To join parties: September 5, 2003.

To amend pleadings: November 21, 2003.

For summary judgment: November 28, 2003.

All other motions except motions in limine: November 28, 2003.


7. The deadline for Rule 26(a)(3) disclosures is January 5, 2004.

8. The parties may not by stipulation extend any deadlines except as specifically allowed by this order.

THESE SCHEDULING DEADLINES WILL BE FIRM.

It is SO ORDERED.

Signed this the 18th day of September, 2003.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE